

Applic. No. 10/725,090

Amdt. dated September 10, 2004

Reply to Office action of May 10, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Claims 1-5 and 11 have been amended.

In item 4 on page 2 of the above-identified Office action, claims 1-13 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that claim 1, line 8 should read "at least one of said border strips". Claim 1 has been amended as suggested by the Examiner, so as to facilitate prosecution of the application. Therefore, the rejection is believed to have been overcome.

The Examiner stated that the recitation of "at least one of said side parts" renders the claim indefinite. Claim 1 has been amended so as to further clarify the claim. Therefore, the rejection is believed to have been overcome.

The Examiner stated that the limitation of "said end bar" is vague for failing to clearly define which of the ends bars applicant is referring to. Claim 1 has been amended so as to

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further clarify the end bar at line 12 of claim 1. Therefore, the rejection is believed to have been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 6 on page 3 of the Office action, claims 1-2, 4-7, 11, and 14 have been rejected as being fully anticipated by Bottger (U.S. Patent No. 4,170,391) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

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Claims 1 and 14 call for, *inter alia*:

the at least one end bar being introduced into the joining element and subjecting the border strip to a force having an effect of widening an angle at which the border strip is connected to the side wall.

Applicant respectfully disagrees with the Examiner's comments on page 3 of the Office action, that the Bottger reference discloses that the border strip is subjected to a force having an effect of widening an angle at which the border strip is connected to the side wall.

The Bottger reference discloses that the measurements of the support member (28) with respect to the gap created by the first and second leg of the U-shaped section is measured such that the support member (28) is held in a frictional manner in its insertion position in the gap. However, Bottger discloses that the tang (58) is inserted into the slit opening (42) in addition to the frictional holding of the support member (28). The frictional grip of Bottger within the gap only serves the purpose of holding the free end of the support member (28) in the assembly position. Accordingly, Bottger does not disclose a force which widens the angle between the outer leg (32) and the central portion (36). Furthermore, the Bottger reference

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discloses that the outer leg (32) and the central portion (36) have a double material thickness that is co-extensive between the outer leg (32) and the central portion (36), while the inner leg (34) has a single material thickness. Because the Bottger reference discloses that the outer leg (32) and the central portion (36) have a co-extensive double thickness, a widening of the angle between the outer leg (32) and the central portion (36) is not disclosed or even suggested. In the event that in Bottger, the insertion of the support member (28) into the gap actually exerted a force, the co-extensive double thickness of the central portion (36) and the outer leg (32) would prevent any widening of the angle between the central portion (36) and the outer leg (32). Therefore, if in Bottger, a widening of the gap were to take place, it would occur exclusively by a movement of the of the inner leg (34) away from the outer leg (32) and not by a widening of the angle between the outer leg (32) and the central portion (36).

The reference does not show the at least one end bar being introduced into the joining element and subjecting the border strip to a force having an effect of widening an angle at which the border strip is connected to the side wall, as recited in claims 1 and 14 of the instant application. As can be seen from the above-given comments, the Bottger reference does not disclose a widening of the angle between the outer

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leg (32) and the central portion (36). This is contrary to the invention of the instant application as claimed, in which the at least one end bar is introduced into the joining element and subjects the border strip to a force having an effect of widening an angle at which the border strip is connected to the side wall.

Since claim 1 is believed to be allowable over Bottger, dependent claims 2, 4-7, and 11 are believed to be allowable over Bottger as well.

Even though claim 1 is believed to be allowable, the following further remarks pertain to the non-obviousness of claim 1 of the instant application.

As stated above, the Bottger reference does not disclose a widening of the angle between the outer leg (32) and the central portion (36). In fact, because Bottger discloses a co-extensive double material thickness in the outer leg (32) and the central portion (36), the Bottger reference teaches away from a widening of the angle between the outer leg (32) and the central portion (36). Accordingly, based on the co-extensive double material thickness between the outer leg (32) and the central portion (36), the Bottger reference teaches that the connection between the outer leg (32) and the central

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portion (36) must be rigid and thus resistant to bending in this area. Therefore, based on the disclosure of Bottger, a person of ordinary skill in the art is taught away from the widening of the angle between the central portion (36) and the outer leg (32), as recited in the claims of the instant application.

In item 9 on page 4 of the Office action, claims 3, 8-10, and 12-13 have been rejected as being obvious over Bottger (U.S. Patent No. 4,170,391) in view of Whistler, Jr. (U.S. Patent No. 3,984,223) under 35 U.S.C. § 103. Whistler, Jr. does not make up for the deficiencies of Bottger. Since claim 1 is believed to be allowable, dependent claims 3, 8-10, and 12-13 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 14. Claims 1 and 14 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-14 are solicited.

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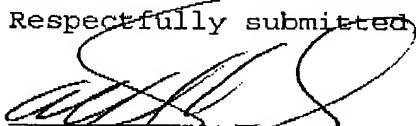
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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
For Applicant(s)

**Alfred K. Dassler**  
**52,794**

AKD:cgm

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Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101